

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT REPORT

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DATE: May 12, 2005

TO: Orange County Zoning Administrator

FROM: Resources and Development Management Department/Land Use Services Division

SUBJECT: Public Hearing on Planning Application PA05-0024 for a Site Development Permit for an Alternative Development Standard, per Coto de Caza Specific Plan Section III.4.7. and III.1.2.Q.

PROPOSAL: Request for approval of a side yard structural setback as close as 6 feet 6 inches to the property line, where 8 feet is required, to facilitate the construction of a two-story room addition. The subject site is located in the Coto de Caza unincorporated area.

LOCATION: 9 Hartford Court, within the Third Supervisorial District

APPLICANT: Kurt Spreen, property owner

STAFF J. Alfred Swanek, Project Manager E-mail: Jim.Swanek@pdsd.ocgov.com

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SYNOPSIS: Land Use Services recommends Zoning Administrator approval of Site Development Permit Application No. PA05-0024, subject to findings and conditions attached.

BACKGROUND:

The subject site was originally developed in 1988. It is presently a 2,035 square foot, single family home with a 660 sq. ft. attached 3-car garage (a very small portion of which is proposed to be converted to house living space without encroaching into the required interior garage size to remain a 3-car garage), on a 17,000 square foot lot, with streets on three sides. The property has never received any form of discretionary permit in the past, in as much as it complied when constructed with the terms and provisions of the Coto de Caza Specific Plan Amendment Two "Low Medium Density" Zoning in place at the time (side yard setbacks were 0 feet "from any side or rear property line not abutting a street"), and otherwise complies with all development standards of the current Coto de Caza Specific Plan Amendment Three "Low Density" Zoning.

SURROUNDING LAND USE:

Direction	Land Use Designation	Existing Land Use
Project Site	Coto de Caza Specific Plan "Low Density" Zoning	Single family dwelling
North	Coto de Caza Specific Plan "Low Density" Zoning	Single family dwelling

South	Coto de Caza Specific Plan "Low Density" Zoning	Single family dwelling
East	Coto de Caza Specific Plan "Low Density" Zoning	Single family dwelling
West	Coto de Caza Specific Plan "Low Density" Zoning	Single family dwelling

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A notice of hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at 300 N. Flower, at the site, and as required by established public hearing posting procedures. In addition, a copy of the planning application and a copy of the proposed site plan were distributed for review and comment to the Coto de Caza Specific Plan Board of Review, which indicated on April 25, 2005 that it had "no comment".

CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from its requirements (Class 5, minor alterations in land use such as a setback variance).

DISCUSSION/ANALYSIS:

The homeowners are seeking approval of an alternative development standard for side yard structural setback to facilitate the construction of room additions of 1,593 square feet of living space on two levels.

The existing home was conforming to the Coto de Caza Specific Plan Amendment Two "Low Medium Density" Zoning when constructed in 1988, where side yard setbacks were 0 feet "from any side or rear property line not abutting a street".

The proposal is for portions of the room addition to be as close as 6 feet 6 inches against the side property line shared with a neighbor, where 8 feet is required by present zoning, and a roof eave setback of 5 feet 6 inches, which would be permitted as a standard roof eave setback.

Assuming approval of the variance request, the enlarged single family residence and garage would cover approximately 25% of the lot. The applicable land use district allows Building Site (lot) Coverage to a maximum of 40%.

In terms of the appropriate considerations for this request, Coto de Caza Specific Plan Section III.1.2.Q. refers to the need to find that the proposed alternative development standard is "superior" to the alternative of forced compliance to the regulatory standards. One circumstance mentioned therein as possible justification is the "architectural nature of the community which has been established". In this case, the entire neighborhood was constructed with side yard setbacks less than that which is being proposed for this area of room addition. Therefore, approval of the modified standard would not be a grant of special privilege not already enjoyed by neighboring lots.

It should also be noted that, were this to be viewed as a "variance", which is a quasi-judicial act requiring a high degree of justification, said justification would exist solely in the irregular shape of this lot, the

irregular topography on this lot, and the fact that it is surrounded on three sides by streets, all of which limit the opportunity for additions which fully comply with current land use regulations.

In terms of the question of whether any form of special preference would be shown to this applicant in connection with project approval, again it is noted the entire neighborhood was constructed with side yard setbacks less than that being proposed for this area of room addition.

Finally, it is again noted the Coto de Caza Specific Plan Board of Review indicated on April 25, 2005 it had no opposition to the request.

RECOMMENDED ACTION:

Land Use Services Division staff recommends that the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and
- b. Approve Planning Application PA05-0024 for a site development permit allowing an alternative side yard structural setback standard, subject to findings and conditions of approval attached hereto.

Respectfully submitted,

Charles Shoemaker, Chief
LPSD/Site Planning Section

EXHIBITS:

1. Applicant's Letter of Explanation
2. Project Plans (Site Plan, Floor Plan and Elevation)
3. Color Photographs (Zoning Administrator's copy only)

ATTACHMENTS:

- A. Findings of Approval
- B. Conditions of Approval

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.